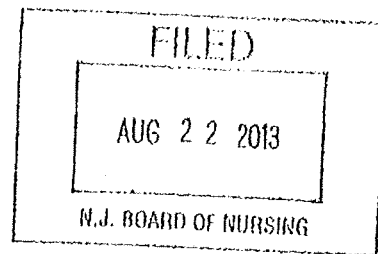


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(973) **FILED** 3

JAN 17 2014

N.J. BOARD OF NURSING

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION :
OF THE CERTIFICATION OF :

Administrative Action

MICHELLE S. ALI, C.H.H.A. :
Certificate No. 26NH06616000 :

PROVISIONAL ORDER
OF DISCIPLINE

TO PRACTICE AS A HOMEMAKER-HOME :
HEALTH AID IN THE STATE OF :
NEW JERSEY :

✕ Finalized by Default on: 01/17/14

Final

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Michelle S. Ali ("Respondent") is a certified homemaker-home health aide in the State of New Jersey and has been a

certificate holder at all times relevant hereto. (Exhibit A)

2. On or about November 15, 2013 D.S., a resident at the Victoria Mews assisted living facility in Boonton, New Jersey, discovered and reported fraudulent charges on her American Express credit card. The Boonton Township Police Department launched an investigation into the fraudulent charges. (Exhibit B)

3. Over the course of the Department's investigation it was discovered that Respondent accompanied D.S. to a local Costco on multiple occasions. On each occasion D.S. paid for their combined items with her credit card and Respondent later reimbursed D.S. for her share of the items that were purchased. Notwithstanding this informal arrangement, D.S. never gave Respondent or anyone else permission to use her credit card. (Exhibit C)

4. Over the course of the Department's investigation incriminating evidence was obtained including copies of signed receipts relating to fraudulently purchased items, video surveillance clips identifying Respondent and a male, later identified as Respondent's boyfriend, using D.S.'s credit card, and employee statements identifying Respondent and her boyfriend as having used D.S.'s credit card. (Exhibit D)

5. On December 14, 2012 Respondent and her boyfriend were

arrested. Respondent was charged with violating N.J.S.A. § 2C:21-1A(3) [forgery], N.J.S.A. § 2C:21-6H [fraudulent use of credit card], and N.J.S.A. § 2C:21-6C [credit card theft]. (Exhibit E)

6. The Boonton Township Police Department interviewed Respondent subsequent to her arrest. Respondent stated that she obtained D.S.'s credit card during one of their trips to Costco. Respondent used the card by herself and also gave it to her boyfriend to purchase groceries, clothes, gasoline, and other various items. Respondent described her conduct as, "a mistake that got out of hand." (Exhibit F)

7. On December 18, 2013 fraudulent charges were discovered on the replacement credit card that had been issued to D.S. . The charges were consistent with those detected on the previous card, and Respondent was charged with the theft of a second credit card on December 18, 2012. (Exhibit G)

8. On March 11, 2013 Respondent was formally charged by the Morris County Prosecutor's Office. Respondent was accepted into a Pretrial Intervention Program for a period of thirty-six months. (Exhibit H)

CONCLUSIONS OF LAW

Respondent's theft, forgery, and fraudulent use of a

patient's credit card constitutes a violation of N.J.S.A. § 45:1-21(b). These acts also relate adversely to the practice of a certified homemaker-home health aide within the intendment of N.J.S.A. § 45:1-21(f). Furthermore, the Board finds that Respondent's acts constitute professional misconduct within the intendment of N.J.S.A. 45:1-21(e).

ACCORDINGLY, IT IS on this 20th day of August, 2013

ORDERED that:

1. Respondent's certification to practice as a Homemaker-Home Health Aid is provisionally suspended.

2. The Board will not entertain an application for reinstatement for a period of five years. After five years, Respondent may apply for reinstatement upon a showing that she has rehabilitated herself, is fit and competent to practice as a certified homemaker-home health aide, and has complied with all applicable criminal sentencing terms. As a part of this showing, Respondent may be required to appear before the Board to aid in its determination of her fitness to hold a C.H.H.A. license.

3. Respondent shall remit payment of a monetary penalty pursuant to N.J.S.A. § 45:1-25 in the amount of \$250 by certified check or money order payable to the State of New Jersey, delivered to Executive Director George Hebert, State of Board of

Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after notice of the entry of any Final Order is served in this matter, including any Order which is finalized by default. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. § 45:1-24 and the Board may bring such other proceedings as authorized by law.

4. The within order shall be subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry hereof unless Respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for modification or dismissal to George Hebert, Executive Director, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor or offered in mitigation of penalty.

5. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the

Board is not persuaded that the submitted materials merit further consideration, a Final Order will be entered.

6. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions stated herein.

7. In the event that the Board receives no written request for modification or dismissal within 30 days following entry of this Provisional Order, without further Board review, all referenced preliminary Findings of Fact and Conclusions of Law and all provisional sanctions or penalties imposed by this Order shall automatically become the Final Decision and Order of the Board. Thereafter, Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.

NEW JERSEY STATE BOARD OF NURSING

Patricia Murphy PhD, APN

By: _____

Patricia Murphy, PhD, APN, FAAN
Board President